

JUDGMENT OF ACQUITTAL — Circumstantial evidence.....
Revised 3/2010

The substantial evidence required to warrant a conviction may be either circumstantial or direct; circumstantial evidence has exactly the same probative value as direct evidence. "Arizona law makes no distinction between circumstantial and direct evidence." *State v. Stuard*, 176 Ariz. 589, 603, 863 P.2d 881, 895 (1993). The probative value of evidence is not reduced simply because it is circumstantial. *State v. Murray*, 184 Ariz. 9, 31, 906 P.2d 542, 564 (1995); *State v. Blevins*, 128 Ariz. 64, 67, 623 P.2d 853, 856 (App. 1981).

In *State v. Teagle*, 217 Ariz. 17, 170 P.3d 266 (App. 2007), the Court of Appeals found that substantial evidence existed to support the jury's finding that the defendant possessed the 337 pounds of marijuana that was found in the trunk of his vehicle. Although the defendant denied knowing that the marijuana was in his vehicle, the evidence established that he constructively possessed the drugs as he was the driver and sole occupant of the vehicle, and there was indicia of criminal activity in the vehicle, such as multiple cellular phones and air freshener (which is often used to mask the odor of the drugs). *Id.*